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Federal Government Affairs
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February 11, 2003

VIA ELECTRONIC FILING

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

Re: Notice of Ex Parte Presentation
In the Matter of Review of Section 251 Unbundling Obligations of Incumbent
Local Exchange Carriers and Implementation of the Local Competition
Provisions in the Local Telecommunications Act of 1996, CC Docket Nos. 01-
338; 96-98; 98-147

In the Matter of Appropriate Framework for Broadband Access to the Internet
Over Wireline Facilities, CC Docket Nos. 02-33; 95-20; 98-10

Dear Ms. Salas,

Yesterday, I provided copies of the attached documents to Dan Gonzalez, Senior Legal Adviser to Commissioner Martin. The positions expressed in the discussions in each of those areas were consistent with those contained in the Comments, Reply Comments and ex parte filings previously made by AT&T in the aforementioned dockets. One electronic copy of this Notice is being submitted for each of the referenced proceedings in accordance with the Commission's rules.

Sincerely,

A handwritten signature in cursive script that reads "Robert W. Quinn, Jr.".

CC: Dan Gonzalez



MICHAEL O. LEAVITT
GOVERNOR

STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114-0601

OLENE W. WALKER
LIEUTENANT GOVERNOR

February 6, 2003

Mr. Michael Powell
Chairman, FCC
445 12th Street, SW
Washington, DC 20554

Dear Chairman Powell:

Attached is a copy of a letter from the Public Service Commission of Utah concerning CC Docket No. 01-338.

I agree with the points raised by our Commission and feel strongly that the states should not be preempted by the federal government in this area. The states are best positioned to foster competition and protect our consumers.

Sincerely,

A handwritten signature in cursive script that reads "Michael O. Leavitt".
Michael O. Leavitt
Governor

MOL:jsnls
Attachment



Michael C. Loeferle
Clerk

State of Utah

PUBLIC SERVICE COMMISSION OF UTAH

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PUBLIC SERVICE COMMISSION OF UTAH

Office of the Secretary
Federal Communications Commission
435 12th Street, SW Portals II Building
Washington, DC 20544

RE: Reply comments of the Utah Public Service Commission filed in the proceeding captioned: In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Deployment of Wireline Services Offering Advanced Telecommunications Capability CC Docket No. 98-147

Madam Secretary:

The Public Service Commission of Utah submits these comments in reply to the April 5, 2002 pleadings filed in response to the Notice of Proposed Rulemaking issued by the Federal Communications Commission in the above captioned proceedings.

We are concerned about the potential impacts of this proceeding and endorse the April 5, 2002 NARUC comments requesting that the FCC ensure that States retain the authority to require additional unbundling from incumbent LECs. We believe the FCC was correct when the Commission found that §251(d)(3) grants state commissions the authority to impose additional obligations on incumbent LECs beyond those imposed by the national list so long as they meet the requirements of §251. We support NARUC's position that Congressional intent, existing State-enabling statutes, and FCC rules and prior findings in this and related dockets support this approach.

If the FCC adopts a new minimum list of unbundled network elements or changes the existing one, the Commission should defer to States to determine whether unbundling requirements should simply be the federal minimums. As recognized in the UNE Remand order, the States are far better positioned to conduct a detailed review of additional unbundling that is

appropriate for local market conditions.

We also concur that the FCC should convene a Federal-State joint conference to facilitate the implementation of the three-year UNE review, and ask that the FCC support the implementation of the universal availability of UNE-P.

NARUC states in its comments that because of the critical role played by State regulators in implementing the statutory UNE regime and the state specific, data-intensive nature of the three-year review, the FCC should establish a formal mechanism to secure the State participation necessary for an informed application of the statutory "necessary and impaired" standard. We agree.

Finally, we support NARUC's contention that the FCC "... should support the implementation of universal availability of the UNE-P, on the basis that one form of entry should not be favored over another." Specifically, the FCC should ensure that its implementation of §251 " does not favor one method of entry, at the expense of other methods of entry.

We appreciate the opportunity to file these reply comments.

Respectfully Submitted,

Stephen F. Mocham, Chairman

Constance B. White, Commissioner

Richard M. Campbell, Commissioner